

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001.2113
TELEPHONE: +1.202.879.3939 • FACSIMILE: +1.202.626.1700

DIRECT NUMBER: (202) 879-5439
MHAZZARD@JONESDAY.COM

March 6, 2019

BY ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notification of *Ex Parte* Meetings
CC Docket No. 01-92 and WC Docket Nos. 07-135 and 18-155**

Dear Ms. Dortch:

On March 5 and 6, 2019, Andrew Nickerson, Chief Executive Office of Wide Voice, LLC (“Wide Voice”), and I conducted *ex parte* meetings with the following individuals:

March 5 Nirali Patel and Will Holloway, Office of Chairman Pai

Arielle Roth, Office of Commissioner O’Rielly

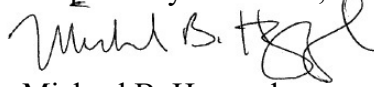
Randy Clarke, Office of Commissioner Starks

March 6 Will Adams, Office of Commissioner Carr

Travis Litman, Office of Commissioner Rosenworcel

During the meetings, Wide Voice distributed the attached presentation, which served as the basis of discussion. Wide Voice also distributed and discussed its January 14, 2019 letter and associated Audio Conferencing Access Rate Study, which have been filed in the above-referenced proceedings.

Respectfully submitted,



Michael B. Hazzard

Attachment



WIDE VOICE

EX PARTE, WC DOCKET NO. 18-155

WideVoice's Market Position

- + WideVoice will be one of the last CLEC's to build a IP-TDM network supporting technology transition
 - serving software applications requiring PSTN connectivity
 - hosting certified VoIP providers
- + ILEC rates serve as a cap to WideVoice's rates
 - **doesn't** charge mileage or end office elements
 - **does** benchmark to ILEC tariffs
 - ILEC may set a "0" rate for any element they like
- + Carrier "self help" refusal to pay properly tarrified rates is the single biggest problem faced by WideVoice



FCC Intercarrier Comp Reform

+ 2011 USF-ICC Transformation Order

- Established “bill and keep” as national goal/end point for intercarrier compensation reform
- Defined the Access Stimulation category of traffic as LEGITIMATE and COMPENSABLE
- Established a benchmarking regime

+ 2019 Results

- Massive reduction in intercarrier compensation rates
- Substantial uniformity in rate levels; transport rates in limited areas the sole exception
- Stated goal of bill and keep not yet achieved
- Large carrier self-help efforts persist



Triggers are Anticompetitive

+ Revenue share

- Absent a price advantage or “arbitrage opportunity,” sharing revenue provides for a efficient market
- Banning or penalizing revenue sharing creates an artificial price floor, and an inefficient market

+ 100% Growth

- Targets small/competitive operators

+ 3:1 Traffic Balance

- Targets specialist carriers



Triggers are highly subjective

+ Revenue share

- Near impossible to enforce due to the multitude of potential contractual agreements
 - Bundling, Netting, “Marketing fees,”

+ 100% Growth

- Point of measurement (LATA, OCN, Company, EO, Tandem)
- Tandem traffic can be highly variable

+ 3:1 Traffic Balance

- How measured with LCR



Issues with current proposal

- + Reversing Economics for Access Stimulators
 - Contradicts the National goal of bill and keep
 - Would create rate disparity rather than uniformity
 - If reversed, carriers will have no incentive to exchange traffic
 - Carrier will need to pay for ingress traffic **AND** pay for egress traffic, which will:
 - remove the carrier from the “Bill and Keep” framework the FCC seeks to achieve
 - further perpetuate traffic imbalance the 3:1 trigger identifies

Has the Commission researched which carriers trip these triggers and will be subject to the punitive treatment of this NPRM?



Recommendations

- + Adopt WV January 14 Proposal
- + Cap Mileage
 - Triggers are still OK if used to level price advantages, but not if used to implement disparate treatment
- + End the vilification of access stimulation
 - Access Stimulation is a valid, compensable traffic category created by the Commission
- + Penalize carriers who practice self-help non payment
 - The commission should make non payment “self help” without challenging a tariff a 201 (b) violation



